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ABSTRACT

The author asserts that early childhood educators have a responsibility to become involved in the formation of public policy. To improve the advocacy skills of early childhood educators, a glossary of basic legislative terminology and descriptions of major legislative processes at the state and federal levels are provided. Particular attention is given to increase advocates' understanding of the appropriations and budget processes. (Author/RH)

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New England Association for the Education of Young Children

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KIDS AND POLITICS DO MIX
The Role of the Early Childhood Professional in Influencing Public Policy

Prepared By:

Patricia A. Jewett, Chairperson
New England AEYC Public Policy Committee

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NAEYC Annual Conference
San Francisco, California
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KIDS AND POLITICS DO MIX
The Role of the Early Childhood Professional
In Influencing Public Policy

The most important element of participatory government is the right and the ability of the individual to affect the establishment and moderation of public policy. For those of us who are parents or who work in the field of child care, the need to affect public policy has become critical.

Until recently there was a basic assumption in this country that, "If it's for children, anyone will vote for it." However, those of us who are working in the field of children's services know that this is not the case. More and more programs for children are in jeopardy, or at minimum, the object of a great deal of controversy. Over the past years, heated debate has taken place on the national level regarding whether the federal government should be in the business of setting minimum standards for child care programs which they fund. Many would like to eliminate the FIDCR (Federal Interagency Day Care Requirements).

On the other hand, the public education system (especially the teachers unions) is becoming extremely interested in the federal government establishing universal pre-school programs under the auspices of the public schools. However, equally strong arguments are being made against any federal or state funding and/or support of child care programs. The proponents of this argument feel that raising children is the responsibility of the family and federally funded programs will only serve to undermine this influence.

In the meantime, many children and families who need good quality child care and other children's services are being served less than adequately. Others are not being served at all. Therefore, it is crucial for early childhood professionals - staff, parents and interested individuals -- who understand the problems and needs (and further, who believe that child care is a supportive service for families), to become involved in influencing public policy relating to these services.

The field of early childhood, however, faces a number of critical problems which often prevents professionals (in the broadest sense of the word) from becoming the kind of advocates we need:

1. *The "kids and politics don't mix" syndrome*
2. *Lack of understanding of the basic legislative processes*

Many people who enter the field of early childhood do so because they are interested in working with little children. For most the last thing in which they are interested is politics. In fact, there is often an attitude among early childhood professionals that "kids and politics don't mix". That is, if you are working with little children, you shouldn't be involved with politics. Although that attitude has been changing over the past few years, many people working in the field are still not comfortable with public policy and moreover, do not see that they have any responsibility for becoming involved in it.

However, I maintain that such a belief is both false and non-professional. The governance of our entire country is built upon the premise that every adult who is a citizen of our country has both a right and a responsibility to become involved in influencing public policy by exercising our right to vote. Not to do so is not to exercise one of the great privileges of being an American citizen. Moreover, not to become involved in our political system is to leave many important decision regarding our lives and the lives of those with whom we work to others. Many important decisions which effect both the programs in which we all work and the families who participate in our programs are made through the political process. Often these decisions are made by individuals who have little direct knowledge about these programs and about the consequences their decisions may have on the participants. It is up to the professionals in the field -- and I use this term in the broadest sense of the word -- to educate those persons who are in positions of government and influence both about the programs and about realistic policies for those programs. We are the ones -- staff, parents and other interested individuals who have a working knowledge of the field and programs who can make a difference. Moreover, it is part of our "professional" responsibility. One of Webster's definitions of a professional includes, "The conduct, aims or qualities that characterize or mark a profession or professional person (a moral code is the basis of a profession)." In a recently developed code of Ethics for members of NAEYC which is printed on the back of your membership card, the first item states

> *"I will know about, abide by and advocate for laws and regulations that enhance the quality of life for young children."*

In addition, if you have worked in this field for any length of time, you have also learned that young children have few advocates. The Washington based organizations which have as their major focus advocacy for young children and their families are small in number. Though they are effective, they cannot accomplish all that needs to be done by themselves; they must have the support of the large network of individuals across this country who work with and care about young children -- you and me. There is no one else out there doing it for us. It is a part of our professional responsibility.

On the other hand, there are many individuals who have accepted that they do have a responsibility to become involved in influencing public policy but who feel they do not have the skills to be really effective. The information on the next few pages is designed to help demystify some of the political process and to provide some practical assistance in making a difference.

Young children and their families will need all the help they can get in the 80's and <u>you</u> can make a difference.

BEST OF LUCK!

Patricia A. Jewett, Chairperson
NEAEYC Public Policy Committee
San Francisco, CA
November 1980

*Basic Legislative Terminology**

1. *Congress - national legislative body consisting of two Houses--the House of Representatives and the Senate.*
2. *House of Representatives - consists of 435 Representatives elected by districts within each state every two years. Number of Representatives is based on population. Every state has at least one Representative; every person has exactly one Representative.*
3. *Senate - consists of 100 Senators, each elected on a state-wide basis for a six-year term. Every state has two Senators; every person in the state is represented by both Senators.*
4. *Bill - a proposed law which has been introduced into one or both Houses of Congress.*
5. *Title - a section of a bill. (e.g. Title XX of the Social Security Act.)*
6. *Law - a rule, Act, or bill agreed to (passed) by both Houses of Congress and (usually) approved (signed) by the President. Laws may also be enacted without the President's approval. If a President vetoes a bill, the bill may still become a law if two-thirds of the members of each House of Congress approve the bill (override the veto).*
7. *Legislative Committee - (and Sub-Committee)--a group of Senators or Representatives who respectively have been designated with the responsibility for considering legislation in designated subject areas.*
    a. *Authorization Committee - committee which gives a program the authority to exist and sets an upper limiting for money to implement the program. There are many authorization committees, e.g. Senate Finance, House Ways and Means, Human Resources Committee, Defense Committee, etc. A program must be authorized before money can be appropriated.*
    b. *Appropriations Committee - committees, one in each body (House and Senate) that determine specific amounts of money to be provided for specific programs.*
    c. *Budget Committee - one in each the House and the Senate, which set spending ceilings for large categories of programs called functions (e.g. Social Services, Health, Defense). Budget Committees usually do not deal in depth with specific programs such as Head Start or CHAP.*
8. *Conference Committee - a committee composed of some Senators and some Representatives which is appointed to resolve differences between similar but not identical bills passed by both Houses of Congress.*
9. *Regulations - rules having the force of law which are published by a department or agency to carry out or to define the provisions of a law.*
10. *State Plan - what each state must submit to the federal government in order to be eligible for reimbursement under Title XIX, (for health services), Title XX (for Social Services) or Title VI-B (for funds from the Bureau of Education for the Handicapped).*
11. *Lobby - a group which supports or opposes a bill. (To Lobby--to press support for or against a bill.)*

**How to Influence Public Policy*, NEAEYC, pp 16-18.

12. Continuing Resolution - a resolution passed by Congress near the end of a fiscal year when the Appropriations Committee has not completed its work or an Appropriations Bill has not been passed, which allows existing programs to continue to spend at their current rate until Appropriations Bill is passed.
13. Fiscal Year - financial year: the federal fiscal year is October 1 - September 30.

MAJOR LEGISLATIVE PROCESSES

There are three major legislative processes of which new advocates must be aware if they wish to influence public policy:

A. The Authorization Process
B. The Appropriations Process
C. The Budget Process

Each process is distinct from the other, though there is often overlap. The authorization process and the appropriations process have always existed and are the two primary processes at the state level. At the local level, the Budget Process is the only major process. But, the Federal budget process has only been implemented during the past few years as a result of the Congressional Budget and Impoundment Control Act of 1974. Each process takes place simultaneously at the Federal level and it is extremely important to understand where your bill or program is in each of the processes in order to be effective.

A. The Authorization Process

The authorization process is the process by which a bill becomes a law. It is the process which gives a program the authority to exist and, at the federal level, which sets an upper limit for money to implement the program. A program must be authorized before money can be appropriated. There are many authorization committees: e.g. Health and Welfare Committees, Government Operations Committees, Human Resources Committee, Education Committee, Defense Committee, etc. Although the authorization committee may set an upper limit for an appropriation, the appropriations committee is not obligated to appropriate that amount. They may not appropriate any amount. Often bills are passed and no appropriation is made to implement the bill.

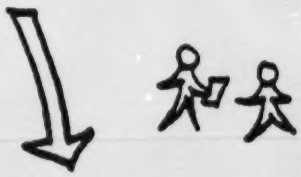
The attached charts show graphically how an idea becomes a bill and how a bill becomes a law at the state level. Following those is a description of milestones in the federal legislative process. At the Federal level a bill may be introduced simultaneously into both the House and the Senate and may go through the process in each house at relatively the same time. This is unlike the process at the state level when a Bill goes first from one house to the other house for action.

HOW AN IDEA BECOMES A BILL

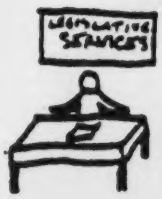
An organization or individual has an idea for a law they want to have written.

A lawyer or other person skilled at writing "legalese" writes the idea up in more formal terms.

The written idea is then submitted to a State Senator or Representative who agrees to sponsor the bill.



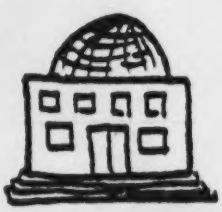
The sponsor submits the proposal to Legislative Service for review.



Legislative Services improves the technical form, eliminates the possibility of conflict with existing legislation, rewrites (if necessary) and returns the proposal to the sponsoring legislator.

If the draft is changed, it is returned to the originator for approval of the changes or another draft - and the process begins again.

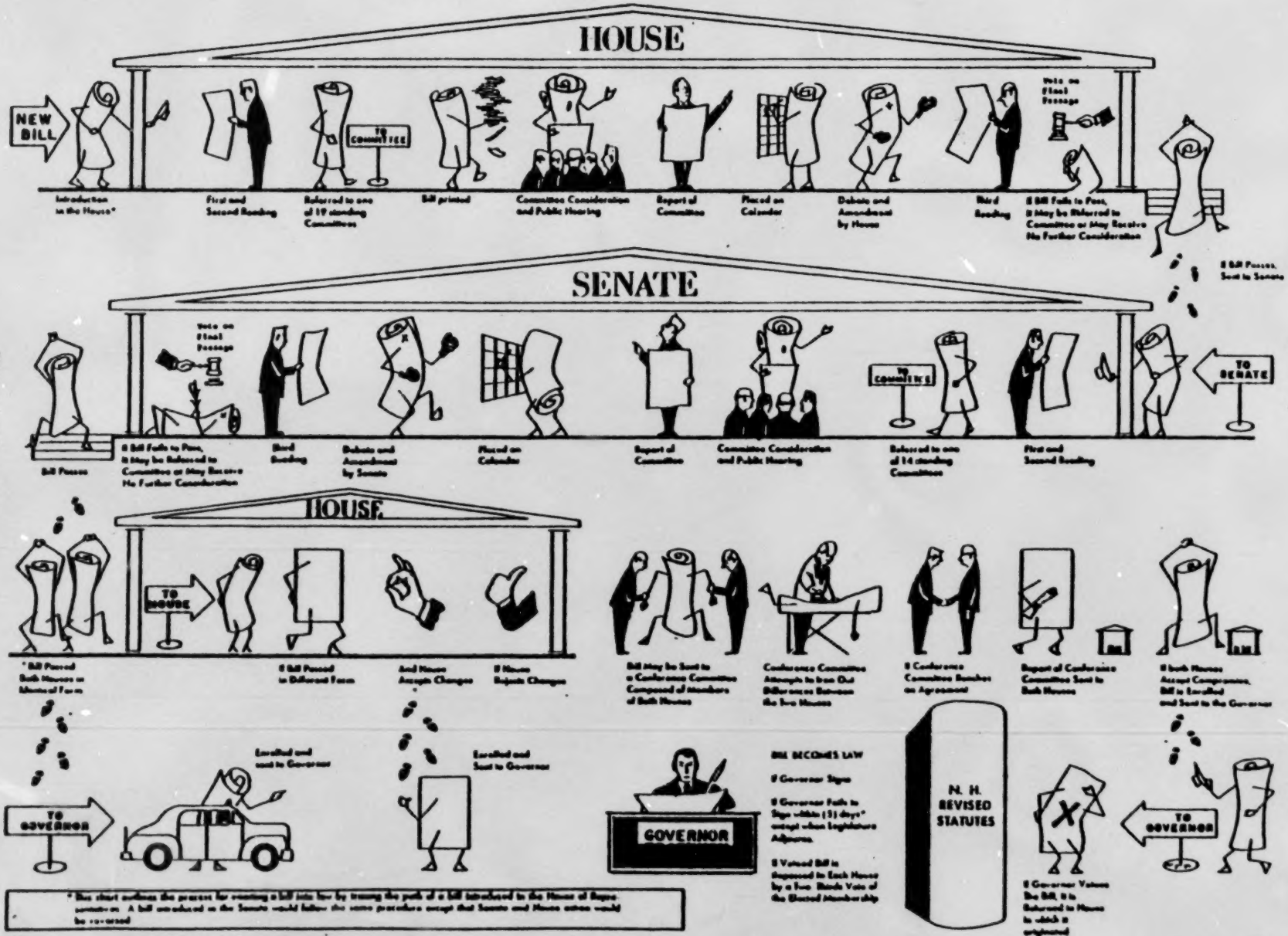
If the original proposal remains intact, the sponsor signs it and introduces it into either the House or the Senate as a Bill.



HOW A BILL BECOMES A LAW

A Complicated Procedure

Prepared by New Hampshire Municipal Association


HOUSE
NEW BILL
TO COMMITTEE
Introduction in the House*
First and Second Reading
Referred to one of 19 standing Committees
Bill printed
Committee Consideration and Public Hearing
Report of Committee
Placed on Calendar
Debate and Amendment by House
Third Reading
Vote on Final Passage
If Bill Fails to Pass, It May be Referred to Committee or May Receive No Further Consideration
If Bill Passes, Sent to Senate
SENATE
TO SENATE
TO COMMITTEE
Bill Passes
If Bill Fails to Pass, It May be Referred to Committee or May Receive No Further Consideration
Third Reading
Debate and Amendment by Senate
Placed on Calendar
Report of Committee
Committee Consideration and Public Hearing
Referred to one of 14 standing Committees
First and Second Reading
Vote on Final Passage
HOUSE
TO HOUSE
* Bill Passed Both Houses in Identical Form
If Bill Passed in Different Form
And House Accepts Changes
If House Rejects Changes
Bill May be Sent to a Conference Committee Composed of Members of Both Houses
Conference Committee Attempts to Iron Out Differences Between the Two Houses
If Conference Committee Reaches an Agreement
Report of Conference Committee Sent to Both Houses
If Both Houses Accept Compromise, Bill is Enrolled and Sent to the Governor
Enrolled and Sent to Governor
TO GOVERNOR
Enrolled and Sent to Governor
GOVERNOR
BILL BECOMES LAW
If Governor Signs
If Governor Fails to Sign within (5) days* except when Legislature Adjourns
If Vetoed Bill is Repassed in Each House by a Two Thirds Vote of the Elected Membership
N. H. REVISED STATUTES
If Governor Vetoes the Bill, It is Returned to House in which it originated
TO GOVERNOR
* This chart outlines the process for creating a bill into law by tracing the path of a bill introduced in the House of Representatives. A bill introduced in the Senate would follow the same procedure except that Senate and House action would be reversed

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*Milestones in the Federal Legislative Process**

A. *Introduction: Bills may be introduced as a result of interest by the Administration (President), a Congressman's constituents, or by pressure from special interest groups. Companion bills may be introduced into the House and the Senate at the same time.*

B. *Review By Sub-committee: After introduction on the floor of the Senate or House, the Bill is referred to a Full Committee and then to a Sub-committee of the Full Committee. The Sub-Committee will review the bill first. They will study the bill and may hold one or more public hearings. After the hearings, the Sub-committee will mark up (make changes/amendments) and then Report to the Full Committee.*

C. *Full Committee Review: The Full Committee will then act on the Bill and may make amendments. The Full Committee will then Report the Bill to the floor of the House or the Senate. This Report includes the reasoning behind certain provisions and is utilized as a legislative history.*

D. *Conference Committee: If a Bill is passed in both the House and the Senate and there are substantial differences in the Bills, a Conference Committee with key members from both the House and the Senate will be appointed to resolve the differences. (This process is now a public process.)*

After compromises are agreed upon by the Conference Committee, the Bill goes back to both the full House and Senate for approval. In most cases this approval is a perfunctory vote as the Bill will then have "privileged status".

E. *Presidential Approval: The Bill then goes to the President for signature or veto. If the Bill is vetoed, it will go back to the full House and Senate.*

F. *Override Vote: If the Bill then passes both the House and the Senate by a two-thirds (2/3) majority vote, the President's veto will be overridden and the Bill will become law. If both the House and the Senate fail to pass the Bill by a two-thirds vote, the Bill will die.*

Points to Remember:

-- the best place to influence the process is in the Sub-committee. Congressional staff are key. Be specific about how the legislation affects children in the specific community or state in which you live.
-- use coalitions; produce the impression of power and consider carefully who should lead the coalition.
-- this process is only the authorization process; in order for money to be appropriated the Bill must also pass through the Appropriations Committee.

**Prepared from a presentation made by Ellen Hoffman, Director of Governmental Affairs, Children's Defense Fund, May 1978.*

B. *The Appropriations Process*

The Appropriations Process determines the specific amount of money to be actually made available to implement a particular program. The Appropriations Bills (or the Budget) are the most important bills because they ultimately give the program its power to act.

At the state level, if a bill has money attached, it goes first through the authorization process in one house, then back to the Appropriations Committee in the same house, prior to going to the other side. Thus, if there is money attached to a bill at the state level, there are actually at least eight steps which that bill must pass through before being signed into law:

Authorizing Committee ---------- Floor of House ---------- Appropriations Committee ---------- Floor of House ---------- Authorizing Committee ---- ------ Floor of Senate ---------- Appropriations Committee ---------- Floor of Senate ---------- Governor for signature.

Each step along the process is as important as the next and a bill may be defeated at any one of these steps.

At the federal level, the Committees may be working simultaneously. However, no appropriation can be made unless the authorization legislation has been passed. Thus, even though the Appropriations Committee has been sympathetic to a particular program and may plan to appropriate money for a particular program, it cannot do so until the authorization legislation has passed.

C. The Budget Process

The Budget Process is becoming more and more important to child advocates every day at every level - local, state and federal. We have finally learned (hopefully!) that it is not enough to have legislation on the books. In the majority of cases, money must accompany legislation in order to actually implement the program which has been legislated. Gwen Morgan puts it this way.*

> The Budget Battle is a Different Battle From the Bill Battle. Every year thousands of well meaning citizens work to get millions of words of rhetoric passed into state and national law. They troop up in droves to testify before education committees and social welfare committees, while, meanwhile, down in the way and means committee and finance committees, no funds are allocated. These well meaning souls never understood why nothing ever comes of their hard work.
>
> There is one single most important bill before any level of government each year, that is the budget. All policy is made, all programs are created or not created, by action taken in the budget. If you want to effect change, you have to learn how your change is translated into budget language in which line items...and protect those line items.
>
> This budget battle is one we have to fight every year. The bill battle is another matter and a less important arena. Sometimes it is good strategy to pass your bill without much money. The battle is less, and then you can fight the other battle separately, and fight it again each year.

1. Local Level

The budget processes vary at each level. At the local level, the budget process is the primary process, i.e., there is no process of authorization legislation where bills become laws. The Town or City Council or the County Delegation acts upon a budget which is proposed by the town selectmen, mayor, county commissioner, etc. The actual processes at the local level will depend upon a number of factors:

1. size of area (town vs. city etc.)
2. whether or not there is a county government (e.g. New Hampshire has a strong county government which dispenses funds while Vermont does not.)
3. the fiscal year upon which the particular area or state operates.

(NOTE: Fiscal Year is the budget year upon which any unit of government operates; the federal fiscal year is currently October 1 to September 30. The initials FY are utilized for fiscal year.)

*DCCDCA, Voice for Children, Vol. 8, #2, February 1975; pp 10-11 and How to Influence Public Policy, p.13

In any one state the processes may also vary from town to town to city and from county to county. However, with all of these processes there are at least three important principles to remember:

1. *In all cases public hearings of some form will be held*
2. *All governmental budgets are public property and, therefore available to any citizen.*
3. *The budget building process begins anywhere from six weeks to six months prior to scheduled hearings. In the case of the federal government, federal agencies started working on their budget requests for FY '80 (beginning October 1, 1979) in the spring of 1978.*

2. *State Level*

At the state level, the Appropriations process is essentially the Budget process. However, there is one more step which is also important: the Governor's Budget. The Governor's Budget is presented to the legislature at the beginning of each legislative session. This represents the requests from various governmental agencies which have been approved by the Governor. Development of this budget begins six months to a year prior to the legislative session. In the case of New Hampshire which has a legislature which meets only every two years, the Governor's budget covers two years rather than just one year. If you are supporting a bill which will make changes in state agency budgets, it is wise to have their support and to ask them to include this request in their budget request to the Governor.

Prior to sending the budget to the legislature, the Governor will hold his own hearings to give state agencies the opportunity to defend their budget or request a change if they are not satisfied. Citizen advocates may also attend these hearings.

After the Governor finalizes his budget, he then sends it to the House Appropriations Committee, which will hold hearings on various sections of the budget. In New Hampshire, the House Appropriations Committee, unlike other committees holds hearings around the state.

The Appropriations Bill is often one of the last bills to be acted upon in order to give authorization bills a chance to be passed so that there will be no need to pass a supplemental budget bill. Every state has deadlines by which a bill must have passed out of one house to be transferred to the other house for action. If a bill is not reported out of Committee for a vote on the Floor by that deadline, it will be dead for that session. In states where the legislature meets for only a limited number of days or months, deadlines are tight and there will be a flurry of activity as deadlines approach. It is during these times that it is most important for advocates to be vigilant as action is often taken with very little notice.

Once the Appropriations Bill passes the House, it will go to the Senate and follow the same process. If the two budgets are different, due to amendments made in the Senate, a Conference Committee will have to meet to resolve differences. There must be unanimous agreement among conferees on the final version which is usually then automatically accepted by both Houses.

3. National Level

Prior to 1974, the only Budget which was prepared was the President's Budget, prepared by the Office of Management and Budget (OMB) and submitted to Congress at the beginning of each Congressional session. However, in 1974, as a result of the Congressional Budget and Impoundment Control Act of 1974, Congress developed their own Congressional Budget Office (CBO) and their own Budget Committees, separate from the Appropriations Committee.

The Congressional Budget Office is a non-partisan office which analyzes both Democratic and Republican proposals and provides information to both Budget Committees which they need to formulate their budget resolutions.

The attached charts outline the federal budget process. The process for the budget for any one fiscal year begins 19 months prior to the beginning of that year with the formulation of the President's Budget by OMB. Between March and December agencies and Departments will be making recommendations and lobbying for their budgets, following the process described on the attached chart. Thus, at the present time, OMB is beginning the process of preparing the FY '82 Budget (for the year beginning October 1, 1981.)

In January, 15 days after Congress reconvenes, the President presents his budget to the Congress. Congress will be reviewing the President's Budget and developing their own separate budget.

By March 15, Congressional committees must send reports to the Budget Committee containing estimates and recommendations on spending legislation for the next fiscal year.

By April 1, the Congressional Budget Office sends a report to Budget Committees on the effects of various options.

By April 15, Budget Committees report first budget resolution to their respective houses, setting forth budget totals unlike the Appropriations Committee which sets forth a line item budget, spelling out each program. The Budget Resolution sets out target ceilings within broad functional areas (e.g. Education ( ), Employment Training and Social Services (500), Health (550), Income Security (600).

By May 15, all bills authorizing new expenditures or changing entitlements must be reported out of Committee. In addition, the First Budget Resolution must pass both the House and the Senate by this date. These resolutions are only recommendations and are only recommendations to be utilized by Committees in future deliberations.

By Seven days after Labor Day, there must be final action on all appropriations bills. A few members sit on both the Appropriations and the Budget Committees.

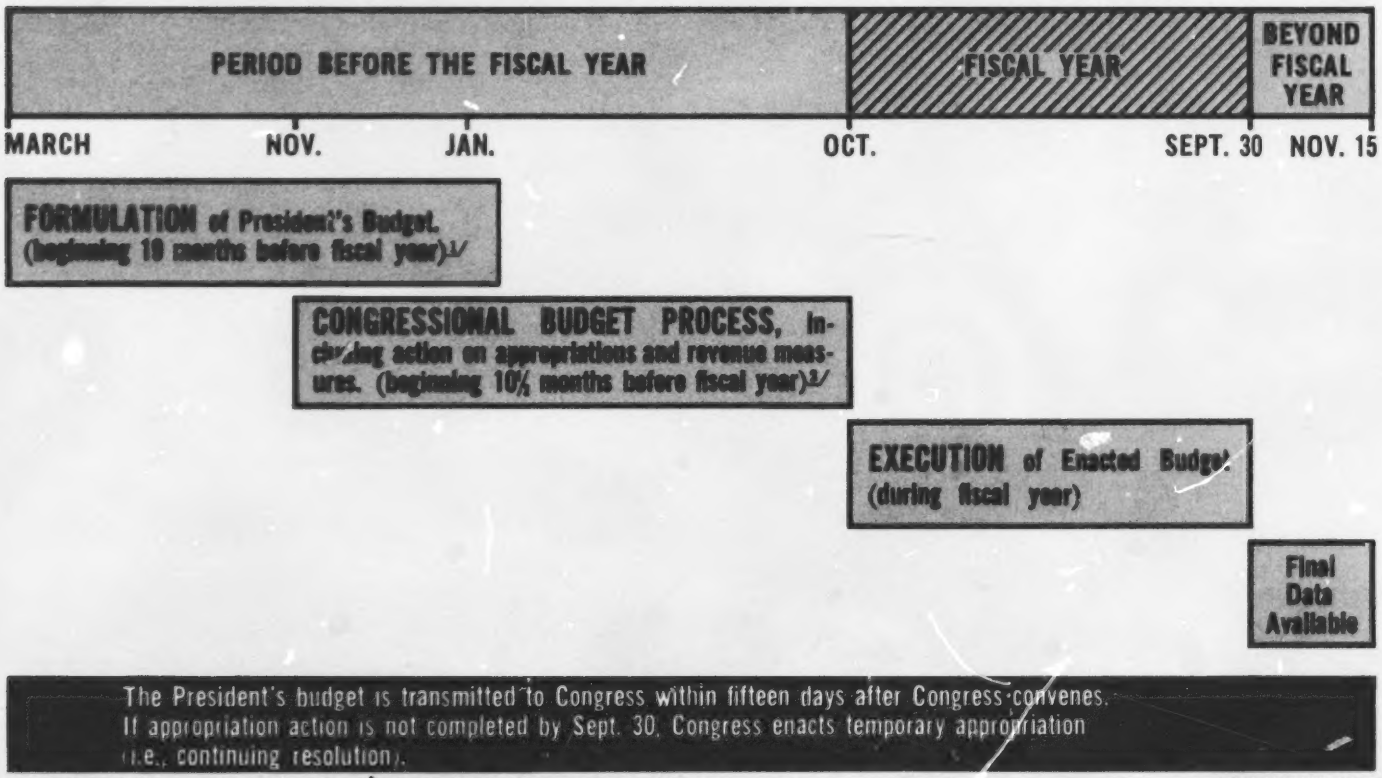
By September 15, there must be action on the budget resolution setting forth final figures for the total budget and for each functional area. These figures are finding.

October 1 is beginning of the new fiscal year.

If there is new authorizing legislation passed after the beginning of the fiscal year, or any problems with the Budget developed (e.g. the budget ceilings are reached more quickly than anticipated, due to inflation) a Third Budget Resolution for the current fiscal year, calling for a Supplemental Appropriation calling for cuts in the current appropriation may be passed in May with the First Budget Resolution for the coming fiscal year.

Thus, Congress may be working on two budgets at any one time, the one for the current fiscal year and the one for the coming fiscal year. On the other hand, federal agencies may be working on three budgets: beginning preparation for the fiscal year two years hence, defending their proposed budget for the coming fiscal year and revising their current budgets for the current fiscal year.

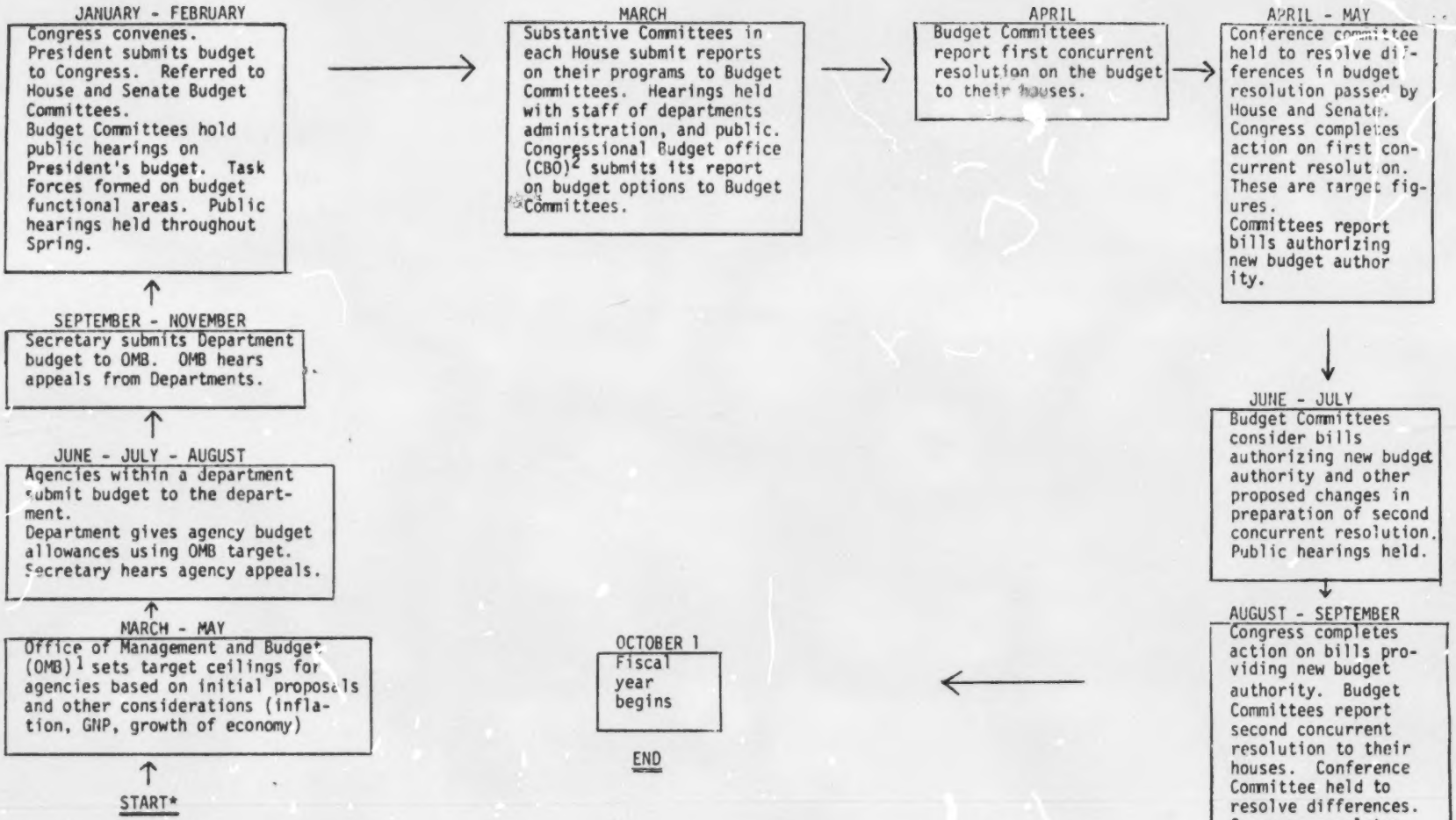
MAJOR STEPS IN THE BUDGET PROCESS


PERIOD BEFORE THE FISCAL YEAR
FISCAL YEAR
BEYOND FISCAL YEAR
MARCH
NOV.
JAN.
OCT.
SEPT. 30
NOV. 15
FORMULATION of President's Budget. (beginning 18 months before fiscal year)1/
CONGRESSIONAL BUDGET PROCESS, including action on appropriations and revenue measures. (beginning 10½ months before fiscal year)2/
EXECUTION of Enacted Budget (during fiscal year)
Final Data Available
The President's budget is transmitted to Congress within fifteen days after Congress convenes.
If appropriation action is not completed by Sept. 30, Congress enacts temporary appropriation (i.e., continuing resolution).

Executive Office of the President/Office of Management and Budget

JANUARY 1977

FEDERAL BUDGET PROCESS


JANUARY - FEBRUARY
Congress convenes.
President submits budget to Congress. Referred to House and Senate Budget Committees.
Budget Committees hold public hearings on President's budget. Task Forces formed on budget functional areas. Public hearings held throughout Spring.
MARCH
Substantive Committees in each House submit reports on their programs to Budget Committees. Hearings held with staff of departments administration, and public. Congressional Budget office (CBO)[2] submits its report on budget options to Budget Committees.
APRIL
Budget Committees report first concurrent resolution on the budget to their houses.
APRIL - MAY
Conference committee held to resolve differences in budget resolution passed by House and Senate. Congress completes action on first concurrent resolution. These are target figures.
Committees report bills authorizing new budget authority.
JUNE - JULY
Budget Committees consider bills authorizing new budget authority and other proposed changes in preparation of second concurrent resolution. Public hearings held.
AUGUST - SEPTEMBER
Congress completes action on bills providing new budget authority. Budget Committees report second concurrent resolution to their houses. Conference Committee held to resolve differences. Congress completes action on second concurrent resolution. Figures set into law.
Bill does not require Presidential signature.
OCTOBER 1
Fiscal year begins
END
SEPTEMBER - NOVEMBER
Secretary submits Department budget to OMB. OMB hears appeals from Departments.
JUNE - JULY - AUGUST
Agencies within a department submit budget to the department.
Department gives agency budget allowances using OMB target.
Secretary hears agency appeals.
MARCH - MAY
Office of Management and Budget (OMB)[1] sets target ceilings for agencies based on initial proposals and other considerations (inflation, GNP, growth of economy)
START*

*The budget for each fiscal year is developed over a period of nearly two years. Congress' year of work on the budget (from the time it convenes in January until it adjourns in late September) is preceeded by a year long period of preparation of the President's budget within Departments and the Office of Management and Budget.

[1]The Office of Management and Budget (OMB) is a staff agency of the White House whose responsibility it is to develop the budget the President submits to Congress.

[2]The Congressional Budget Office (CBO) serves as a source of data and information to Congress in their consideration of the budget proposed by the President and relating to major issues and decision points for the next fiscal year. No formal recommendations are made by the CBO to Congress regarding specific budgetary allowances.

Prepared by Texas Child Care '76